



Cover Memorandum/Staff Report

File #: 26-0199

Agenda Date: 2/24/2026

Item #: 8.D.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: February 24, 2026

ORDINANCE NO. 10-26: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES CHAPTER 1, "GENERAL PROVISIONS," ARTICLE 1.3, "NONCONFORMING USES, LOTS, AND STRUCTURES," SECTION 1.3.2, "NONCONFORMING LOTS OF RECORD," TO REMOVE THE DEFINITION OF A NONCONFORMING LOT OF RECORD; AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.1, "ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP," SECTION 4.1.4, "USE OF LOTS OF RECORD," TO ALLOW THE REDEVELOPMENT OF PREVIOUSLY DEVELOPED NONCONFORMING LOTS OF RECORD AND TO ELIMINATE RELIEF PROCEDURES, AMENDING ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.1, "APPLICATION OF DISTRICT REGULATIONS," TO ELIMINATE RELIEF PROCEDURES AND TO ADD ALLOWANCES FOR LOTS OF RECORDS; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.3, "SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICTS;" AMENDING ARTICLE 4.7, "FAMILY/WORKFORCE HOUSING," SECTION 4.7.8, "OTHER INCENTIVES," TO ADD DESIGN REQUIREMENTS AND SETBACK RELIEF FOR WORKFORCE HOUSING UNITS; AND AMENDING APPENDIX A, "DEFINITIONS," TO AMEND THE DEFINITION OF "LOT OF RECORD" AND ADOPT A DEFINITION FOR A LEGACY PROPERTY, NONCONFORMING LOT, AND NONCONFORMING LOT OF RECORD;" PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING / PUBLIC HEARING)

Recommended Action:

Consider Ordinance No. 10-26, a City-initiated amendment to the Land Development Regulations (LDR), amending Section 1.3.2, "Nonconforming Lots of Record," Section 4.1.4, "Use of Lots of Record," Section 4.3.1, "Application of District Regulations," Section 4.4.3, "Single Family Residential (R-1) Districts," Section 4.7.8, "Other Incentives," and Appendix A, "Definitions" to amend regulations related to the use of lots of record.

Background:

On October 1, 1990, a Citywide rezoning was adopted. Among the many changes that were made by the ordinance, minimum requirements for lot dimensions and area were adopted for the Single-Family (R-1) zoning districts. These new standards did not match the sizes of many lots that existed, either as established by a plat or by an extended history of ownership and use, thereby rendering many properties as non-conforming. This ordinance clarifies the process for various situations, including when workforce housing requirements are applied. This ordinance also establishes a new type of property, a "Legacy Property" which reflects the common use of metes and bounds for legally defining parcels of land in the Northwest/Southwest neighborhoods. By recognizing this historic

method of property ownership, the redevelopment of these lots will be less cost prohibitive and create the opportunity for longtime family owners to build homes on these parcels or sell them for the creation of new workforce housing homes.

The attached Planning and Zoning Board staff report provides a complete discussion of the history of the request.

Planning and Zoning Board heard the request at its November 17, 2025, meeting and voted 7-0 to recommend approval (as Ordinance No. 25-25), and recommended that unplatted lots within the Northwest / Southwest neighborhoods that show an extended ownership history, be considered lots of record and, therefore, not subject to platting. This recommendation is incorporated in the ordinance.

Following First Reading, the City received additional public feedback on the proposed ordinance. An attachment, "Ord. No. 10-26 Proposed Changes from First Reading" provides the following amendments to the ordinance in a strike through and underlined format to consider:

1. **Page 4.** Section 4.1.4(A)(4) amend or deleted this provision:

"Adjoining lots of record that **do not individually meet the minimum lot standards and** were under the same ownership as of October 18, 1994, may be developed as individual single-family lots pursuant to the original plat, provided half of the dwelling units are developed subject to the Workforce Housing requirements; any fraction shall be rounded down. This provision does not apply to property that has been replatted."

The intent of this language was to require that when multiple lots of record that are smaller than currently required [*this language is missing from the first reading draft*], are proposed to be redeveloped into multiple, individual developable properties, either they must be platted into conforming lots or they can use the original plat, which is smaller than current lot requirements, if half of the restored lots are for workforce housing.

The current code excepts R-1-A from a requirement to re-plat adjoining lots into conforming lots and allows a house on any R-1-A lot of record with 50' of frontage. Taken together, this allows the demolition of a house on a property comprised of 3 lots to re-establish 3 substandard lots as individual home sites. Currently lots are required to be 60' wide and many plats created lots that are only 50' wide. The concerns raised following first reading are that since the City has allowed this to occur in the past, adopting this affects some developers with financial investment. **The City Commission should consider whether to amend this section, delete this provision, or establish an effective date in the ordinance.**

2. **Page 7.** Section 4.7.8 Section (A)(1). Concerns regarding the scale of new infill housing has been raised, particularly on the smaller lots, like the workforce housing lots which can be only 40 feet wide. The current code allows workforce housing to utilize smaller 5' interior side setbacks rather than the 7.5' interior side setback typically required. The proposed amendment limits structures that utilize the reduced setbacks to two stories and 26 feet in height, where the residential zoning districts allow 35 feet in height.

3. **Page 7.** Section 4.7.8 Section (A)(1)(c). The consultant analysis recommended shifting to a

cumulative setback standard for R-1-A, rather than requiring 7.5' and 7.5' a cumulative amount of 15' with 5' minimum on one side. This consideration will be brought forward in a different amendment.

City Attorney Review:

Ordinance No. 10-26 is approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Ordinance No. 10-26 will be effective immediately, if approved at second reading.